

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

BASF AGRO B.V., ARNHEM (NL),  
WÄDENSWIL BRANCH,  
BAYER S.A.S., and MERIAL LIMITED

Plaintiffs,

v.

CHEMINOVA, INC.,

Defendant.

Civil Action No. 10-cv-274-  
WO-WWD

**JOINT MOTION TO AMEND SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16, plaintiffs BASF Agro B.V., Arnhem (NL), Wädenswil Branch (“BASF”), Bayer S.A.S. (“Bayer”) and Merial Limited (“Merial”) (collectively, “Plaintiffs”) and defendant Cheminova, Inc. (together with Plaintiffs, the “Parties”) hereby move this Court for a revised scheduling and case management order.

As grounds for this motion, the Parties state that three additional days is required for supplemental expert discovery and summary judgment filings in light of the Court’s June 30, 2011 *Markman* ruling [D.I. 151] and the subsequent July 4, 2011 holiday weekend. The Parties have included a proposed amended schedule as Exhibit A hereto. This Amended Scheduling Order does not amend the Supplemental Scheduling Order regarding the process patents filed on July 1, 2011 [D.I. 153] and all dates set forth therein remain in effect.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that the Court enter the enclosed Amended Scheduling Order.

Respectfully submitted:

**WOMBLE CARLYLE SANDRIDGE & RICE, PLLC**

DATED: July 6, 2011

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## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants: Daniel Alan M. Ruley, [aruley@belldavispitt.com](mailto:aruley@belldavispitt.com), William K. Davis, [wdavis@belldavispitt.com](mailto:wdavis@belldavispitt.com), Christopher G. Kelly, [christopher.kelly@hklaw.com](mailto:christopher.kelly@hklaw.com), Steven L. D'Alessandro, [steven.dalessandro@hklaw.com](mailto:steven.dalessandro@hklaw.com), Robert J. Burns, [robert.burns@hklaw.com](mailto:robert.burns@hklaw.com), Joshua C. Krumholz, [Joshua.krumholz@hklaw.com](mailto:Joshua.krumholz@hklaw.com), Jitendra Malik, [jmalik@alston.com](mailto:jmalik@alston.com), John Patrick Elsevier, [jpelsevier@jonesday.com](mailto:jpelsevier@jonesday.com). Matthew W. Howell, [matthew.howell@alston.com](mailto:matthew.howell@alston.com), Judy C. Jarecki-Black, [jduy.jarecki@merial.com](mailto:jduy.jarecki@merial.com), and Frank G. Smith, [frank.smith@alson.com](mailto:frank.smith@alson.com).

This the 6<sup>th</sup> day of July, 2011.

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